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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 ROBERT LAMON POLK,
13 Defendant.

Case No. 2:23-cr-00020-JAD-VCF

STIPULATION TO CONTINUE
MOTION DEADLINES
(Second Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
16 United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the
17 United States of America, and Rene L. Valladares, Federal Public Defender, and Aden Kebede,
18 Assistant Federal Public Defender, counsel for Robert Lamon Polk, that the previously ordered
19 deadline for filing of pretrial motions be vacated and that the parties herein shall have to and
20 including July 12, 2023, within which to file the Defendant's pretrial motions currently due
21 June 12, 2022.

22 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
23 shall have to and including July 26, 2023, to file any and all responsive pleadings.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
25 shall have to and including August 2, 2023, to file any and all replies to dispositive motions.

26 The Stipulation is entered into for the following reasons:

1 1. Counsel for the defendant has made additional requests for discovery and needs
2 time to receive and review discovery for possible pretrial litigation.

3 2. The defendant is not incarcerated and does not object to the continuance.

4 3. The parties agree to the continuance.

5 4. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for defendant sufficient time within which to be able to effectively and
7 complete investigation of the discovery materials provided.

8 5. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice. The additional time requested by this Stipulation is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
11 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
12 Section 3161(h)(7)(B)(i), (iv).

13 This is the second stipulation to continue filed herein.

14 DATED this 8th day of June, 2023.

15 RENE L. VALLADARES
16 Federal Public Defender

 JASON M. FRIERSON
 United States Attorney

17 By /s/ Aden Kebede

 By /s/ Melanee Smith

18 ADEN KEBEDE
19 Assistant Federal Public Defender

 MELANEE SMITH
20 Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LAMON POLK,

Defendant.

Case No. 2:23-cr-00020-JAD-VCF

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant has made additional requests for discovery and needs time to receive and review discovery for possible pretrial litigation.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including July 12, 2023, file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including July 26, 2023, to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including August 2, 2023, to file any and all replies.

DATED this 16th day of June, 2023.


UNITED STATES DISTRICT JUDGE